

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the Santa Clara Valley Transportation Authority (CIS-.520.28.5) for an order to create a new, grade separated Rail-rail crossing, which involves the modification of an existing Union Pacific Railroad at-grade railroad crossing for the Light Rail Transit Line of the Tasman Corridor Project in the City of Milpitas, County of Santa Clara

Application 99-12-014  
(Filed December 13, 1999)  
(Amended May 10, 2000)

**OPINION**

As part of the Tasman East Light Rail Project (Project), the Santa Clara Valley Transportation Authority (VTA) requests authority to construct an elevated light rail transit guideway system within the median of Capitol Avenue in the City of Milpitas, County of Santa Clara. As part of the construction, the existing Union Pacific Railroad (UPRR) at-grade crossing on Capitol Avenue, PUC crossing number 004G-12.60, will be widened and improved.

The Project is a 12-mile extension to its Light Rail Transit system constructed as a double track line for most of its length in the median of existing arterial streets between Mountain View and East San Jose. The Project will improve public transit services by providing efficient and effective transportation in a growing area of the Santa Clara Valley.

VTA's grade separated crossing, identified as PUC Crossing 82C-7.68-BT, over the UPRR tracks was previously granted by Decision (D.) 95-09-057 per

Application (A.) 95-05-014. The authorization to construct became effective October 7, 1995. It expired on October 7, 1999 without completion of the project. Plans to widen and improve the UPRR crossing were not included in A.95-05-014 or in D.95-09-057.

On December 13, 1999, VTA filed A.99-12-014 to request authorization to construct the elevated light rail transit guideway system and included plans to widen the UPRR Capitol Avenue crossing. A sketch of the project area is set forth as Appendix A of this Decision.

An amendment to the application was filed by VTA on May 10, 2000, and published in the Commission's Daily Calendar (CDC) on May 31, 2000. The amendment includes the modifications and corrections to the proposed widening of the existing at-grade crossing on Capitol Avenue as requested by staff of the Commission's Rail Safety and Carriers (RSCD) Rail Crossings Engineering Section (RCE) and as agreed to by VTA. A sketch of the proposed at grade widening is set forth as Appendix B of the Decision.

Two PUC standard number 9 automatic gate types will be installed for the two lanes on Capitol Avenue for westbound traffic with one placed in the center median. The three eastbound lanes will have one PUC standard number 9A automatic gate type with cantilever located on the south side of the road and one PUC standard number 9 automatic gate type located in the center median. Warning devices will be installed such that the automatic gates will be perpendicular to the road. Due to the extreme skew of the crossing and distance from the other warning devices, the two sidewalks on either side of the Capitol Avenue will have four standard number 8 flashing light type installed on each side of the railroad tracks for pedestrians.

RCE staff has inspected the site of the proposed project. The staff examined the need for and safety of the proposed crossings and recommends that the requested authority be granted.

Application 99-12-014, as amended, meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40 which relates to the construction of a railroad track across an existing railroad track.

In Resolution ALJ 176-3029 dated December 16, 1999, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's RSCD recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3029.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311 (g) (2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Notice of the application was published in the CDC on December 15, 2000. The District filed an amendment on May 10, 2000, which was published in the CDC on May 31, 2000. No protests have been filed.

2. VTA requests authority, under Public Utilities Code Sections 1201 - 1205, to construct one rail-rail grade separation to be identified as PUC number 82C-7.68-BT and modify one UPRR at-grade crossing, PUC Crossing Number 004G-12.60, in the City of Milpitas, County of Santa Clara.

3. Public convenience and necessity require construction and modification of the subject crossings.

4. Public safety requires that the UPRR at grade crossing be equipped three PUC standard number 9 automatic gate types, one PUC standard number 9A automatic gate type with cantilever, and four PUC standard flashing light type in accordance with General Order 75-C.

5. VTA is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's EIR and NOD.

### **Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

## **O R D E R**

### **IT IS ORDERED** that:

1. The Santa Clara Valley Transportation Valley Authority (VTA) is authorized to construct one rail-rail crossing to be identified as PUC crossing 82C-7.68-BT and modify one Union Pacific Railroad at-grade crossing, identified as PUC crossing 004G-12.60 on Capitol Avenue in the City of Milpitas, County of Santa Clara.

2. The crossings shall be fitted with three PUC standard number 9 automatic gate types, one PUC standard number 9A automatic gate type with cantilever, and four PUC standard flashing light type as shown in Appendix B of this Decision and as shown on the plans attached to the application and amendment, in accordance with the Commission's General Order (GO) 75-C.

4. Clearances shall be in accordance GO 26-D.

5. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

6. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties. A copy of the agreement shall be filed by VTA with the Commission's Rail Safety and Carriers Division (RSCD), Rail Crossings Engineering (RCE) Section prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. VTA shall file the final construction plans, as approved by the Union Pacific Railroad and City of Milpitas, with the RSCD/RCE prior to commencing construction.

8. Within thirty (30) days after completion of the work under this order, VTA shall advise the RCE staff in writing that the authorized work has been completed.

9. This authorization shall expire if not exercised within four (4) years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

10. This application is granted as set forth above.

11. Application 99-12-014 is closed.

This order is effective thirty (30) days from today.

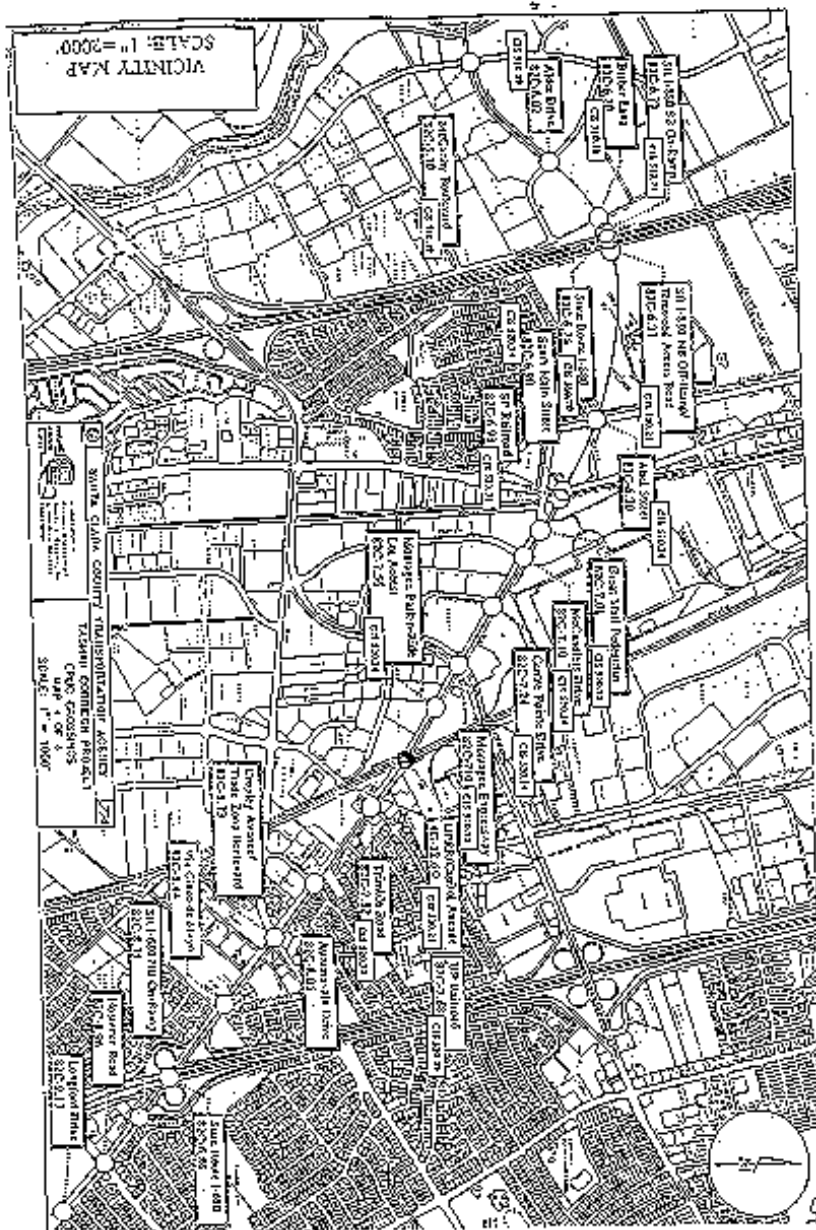
Dated August 03, 2000, at San Francisco, California.

APPENDIX A

MAP OF PROJECT VICINITY

1,99-12-014 RSCD/UBC

## Appendix A



APPENDIX B

CAPITOL AVENUE AT GRADE CROSSING

PUC CROSSING NUMBER 4-12.60





